

POST FALLS HIGHWAY DISTRICT
MARCH 2010 MINUTES

Regular Meeting – March 3, 2010, 6:00 pm, E. 5629 Seltice Way

Terry Werner, Vice-Chairman, called the meeting to order at 6:00 P.M. Present were Commissioners Terry Werner, Robert Miller; Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson; and Engineer Darius Ruen. Lynn Humphreys was present via phone. Guests were Daniel Ludwick of Idaho Asphalt and Stephen VonDeBogert of Western States Asphalt. Chris Fillios, Kootenai County Commissioner Candidate joined the meeting at 6:15.

Commissioners had no conflict of interest with any agenda item.

February Minutes and Vouchers – Chairman Humphreys noted two corrections, the school district noted on Page 1 and his participation in the vote on Page 7. Commissioner Miller moved to approve the February 2010 minutes and vouchers as amended. Chairman Humphreys seconded. Motion carried unanimously. [3/3/10]

OLD BUSINESS

Audit RFP's

Financial Statement Audits were presented as follows: Clark Anderson & McNelis - \$11,000 plus \$1,200 if a single audit is required; Anderson Brothers CPA's - \$10,250; Magnuson, McHugh & Co. - \$5,000 plus advisory services of Director (\$180-\$195/hr); Managers (\$130-\$165/hr); Sr. Accountants (\$90-\$100/hr); Staff Accountant and paraprofessionals (\$70-\$80/hr). Road Supervisor Brownsberger stated he has reviewed all the RFP's and talked with the other highway districts as well as people from the CPA offices. He recommends the District engage Magnuson and McHugh who proposed a \$5,000+ audit which is quite a bit less than the other two proposals. He added Magnuson & McHugh received glowing references from the other highway districts. Commissioner Miller moved to accept Magnuson & McHugh for the annual audit. Chairman Humphreys seconded. Motion carried unanimously. [3/3/10]

URD Audit RFP

URD Audits were presented as follows: Clark Anderson & McNelis - \$1,500; Anderson Brothers CPA's – Time x Standard Rate; Magnuson, McHugh & Co - \$4,000 plus the cost of travel. Road Supervisor Brownsberger recommends the District engage Clark Anderson and McNelis at \$1,500 which was quite a bit less than Magnuson & McHugh; Anderson Brothers proposal was time incurred at their standard rate, which was not stated. He also spoke with the District's attorney who conveyed she spoke with Laima Swanson from Clark Anderson and McNelis and felt she had a good understanding of what the work entails. Commissioner Werner asked for the record to reflect he has a niece who works at Clark Anderson and McNelis and that he has had no input in Mr. Brownsberger's recommendation. Chairman Humphreys said the recommendation sounds reasonable. Chairman Humphreys made the motion to award the URD audit to Clark Anderson and McNelis. Commissioner Miller seconded. Motion carried unanimously. [3/3/10]

CURRENT BUSINESS

Asphalt Oil Bids

Two bids were received, one from Western States Asphalt, Incorporated and one from Idaho Asphalt. Commissioner Werner opened the bids and read the proposed costs. Each item is limited to amounts as specified in the bid proposals.

Western States Asphalt	Idaho Asphalt
(per ton)	(per ton, add \$10/ton freight to each)
CRS-2P \$583.80	CRS-2 \$480

Bitutine 60 \$413.80	CRS-2P \$510
CSS-1 \$543.80	CSS-1 \$490
CRS-2 \$553.80	EITU-60 \$530
MC3000 \$845.80	MC3000 \$710
Costs listed for other	CSS-1 \$400
Highway districts, not	MC800 \$770
Read at opening.	CMS-2P \$570

Commissioner Werner stated the Road Supervisor would like to review the bids and asks we take the bids under advisement and award the bids at our next business meeting. Chairman Humphreys made the motion to take the bids under advisement for review by the road supervisor and staff and award them at the next meeting. Commissioner Miller seconded. Motion carried unanimously. [3/3/10]

CORRESPONDENCE

State-Local Agreement, Greensferry, South of Hayden, Railroad Crossing – Commissioner Werner noted the fully executed state-local agreement has been received. [3/3/10]

ROAD SUPERVISOR

Beck Road burglary – Equipment is being used on the Beck Road intersection and left there overnight. The night of March 2, tools were stolen and fuel was siphoned using Cat and John Deere keys. The crew reported it to the Sheriff's office and the equipment will be moved to another location at night. [3/3/10]

Toby Sheldon property vacation inquiry- Toby Sheldon's vacation inquiry at the March 1 Workshop prompted a request to staff to ask legal council about leasing property. The Road Supervisor contacted Susan Weeks who stated the District could lease property, but not right-of-way. The parcel is listed as real property. The Road Supervisor and the District Engineer have not reviewed the site as of this date. Chairman Humphreys asked for clarification on Mr. Sheldon's request and stated that if leased, a stipulation be placed that no building or any encumbrance be placed on the District's property. [3/3/10]

Mr. Fillios joined the audience and introduced himself as a Kootenai County Commissioner candidate running against Rick Currie. [3/3/10]

ENGINEER

Prairie-McGuire Roundabout – The environmental review from LHTAC has been received. It has been turned over to the environmental firm that prepared it. Mr. Ruen would like to review it with the Road Supervisor and provide a response early next week so the project can move forward. [3/3/10]

Beck Road – Staking is being done for the project. [3/3/10]

S. Stateline Road – The Engineer asked the Road Supervisor to meet with him and a gentleman from Washington who is proposing a project which is located in Washington but access will need to come from the Idaho side. Discussion followed to determine the location at S. Stateline Road, near Holland. [3/3/10]

OFFICE

Treasurer's Report – The District Clerk presented the January 2010 Treasurer's Report and provided a copy for each commissioner. Commissioner Miller asked why there are accounts showing zero amounts and was answered they are the accounts in which the balances were transferred to CD's. Commissioner Miller made the motion to approve the Treasurer's Report. Chairman Humphreys seconded. Motion carried unanimously. [3/3/10]

2011 Budget Hearing Date – Idaho Code states that no later than April 30, taxing districts must notify the county clerk of the public budget hearing. The District Clerk stated that the public hearing has been held during the first Board meeting in August. She asked that it be changed to

the second board meeting so there is more time to receive hard numbers from the county, rather than using projected numbers. Chairman Humphreys made the motion to hold the public hearing for the budget on August 18, 2010. Commissioner Miller seconded. Motion carried unanimously. [3/3/10]

Fund Inactivation Authorizations – The District Clerk presented eight State Treasurers Office (STO) forms to close accounts for the dedicated road accounts that had funding transferred from the STO to Certificate of Deposits. Commissioner Miller made the motion to sign all forms. Chairman Humphreys seconded. Motion carried unanimously. Chairman Humphreys asked for clarification that the separate accounts would have accounting of the amounts and earned interest. The District Clerk stated they are separated on the monthly Treasurer's Report. [3/3/10]

COMMISSIONERS

Chairman Humphreys stated he will be home March 8 or 9, but will then depart for Boise for his March 11 meeting with the Association of Highway Districts.

No other comments were provided.

With no further business, Commissioner Miller made the motion to adjourn at 6:32 pm. Commissioner Werner seconded. Meeting adjourned.

Regular Meeting – March 17, 2010, 6:00 pm, E. 5629 Seltice Way

Lynn Humphreys, Chairman, called the meeting to order at 6:05 P.M. Present were Commissioners Lynn Humphreys, Terry Werner, Robert Miller; Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson; and Randy Broesch representing the District's engineering Firm, Ruen-Yeager.

Commissioners had no conflict of interest with any agenda item.

OLD BUSINESS

Asphalt Oil Bids

Supervisor Brownsberger recommended to award Bitutine 60 to Western States Asphalt at \$413.80 per ton and award the remaining portion of the bid to Idaho Asphalt. Commissioner Werner made the motion to award the bid for the Bitutine 60 or equivalentl to Western States at \$413.80 per ton and balance of the oil that was bid to Idaho Asphalt. Commissioner Miller seconded. Motion carried unanimously. Idaho Asphalt asked for a signature on their bid and Chairman Humphreys asked a copy be kept for our records showing the one item crossed out with the Chairman's initial at the changed item. [3/17/10]

Calico Flats

At the February 17, 2010 Board Meeting, the District Clerk was directed to turn over to a collection agency the unpaid balance for this proposed subdivision after first notifying the developers of the intended action. A letter was received March 15 from Mrs. Chris Mikles stating she would like to pay \$75.00 per month. She also asked if could have the payments automatically deducted from her account. Commissioner Werner made the motion to authorize the Clerk to accept monthly payments with 1% interest per month and if she doesn't make the \$75.00 monthly payments, to bring it back to the Board for further action. Commissioner Miller seconded. Motion carried unanimously. The Clerk was asked to contact the bank to ask if the payment can be automatically deposited to the District's account. [3/17/10]

Wild Ridge (Wilde-Idaho)

The Addendum to the Agreement has been received from Wilde-Idaho in which the developer asked the District to allow rather than a bond. The Road Supervisor stated he would ask the attorney if it should be recorded now although it refers to Lot 18 but the plat has not yet been recorded. [3/17/10]

CURRENT BUSINESS

Post Falls Landing

Harry Green did not attend the meeting. No contact has been made to the District to reschedule.

CORRESPONDENCE

Beck Road Realignment – A letter from Eric Olson of Ruen-Yeager & Associates was sent stating the NPDES Construction General Permit Coverage does not need to be filed for this project because there is no realistic possibility that construction site runoff from this project will make it to the waters of the United States. [3/17/10]

ITD Board Meeting and Tour – A letter was received from the Idaho Transportation Department stating the dates and locations of the Board's meetings from April to September 2010. Chairman Humphreys asked the Board if anyone felt there was any need to ask to be placed on the ITD's Board agenda. There was no such request; the Chairman asked the date for the District 1 meeting and tour be placed on the Board's calendar. [3/17/10]

Speed Change Request – Two letters were received from the City of Post Falls regarding the speed change request on Mullan Avenue. The City's speed study determined the present speed was appropriate and there will be no change. [3/17/10]

Kootenai County Flood Damage Prevention Ordinance Public Hearing, Board of Commissioners – April 8, 2010 at 10:00 am. [3/17/10]

DJ Holdings Hearing – Kootenai County Hearing Examiner, April 15, 2010 at 6:00 pm. A letter with the District's comments has been sent. [3/17/10]

Suzanne Kinchen – Kootenai County Hearing, Board of Commissioners – April 15, 2010. A letter with the District's comments has been sent. [3/17/10]

Notice of Pending Tax Deed – Notice the pending action was received on a parcel vested to Jeremy and Danielle Wallis, Parcel 50N05W044800. Discussion followed regarding the location and it is determined the District has no interest in the parcel. [3/17/10]

ROAD SUPERVISOR

The Kootenai County Weeds Supervisor, Linda Ely, and Kootenai County employee, Bill Hargrave, met with Supervisor Brownsberger to discuss budget cutbacks affecting the applications for 2010. For the season of 2009, 179 application hours was spent by the Weed's contractor but will cut that back to 100 hours for 2010. They discussed combining sprays using different chemicals and think they will still get a good kill. Bare ground treatment, fall spot spraying, and treatment to the District's pits were also discussed. [3/17/10]

Foothills Drive (Hidden Falls) property – The Road Supervisor reviewed a parcel of land regarding Toby Sheldon's March 1 inquiry to the Board asking to either purchase or lease the 60-foot wide parcel. Supervisor Brownsberger stated there may be a use at some point and since it is riverfront, it is very valuable and may be hard to obtain later. He recommended the District retain the property, but it is real property and not right-of-way, so the Board may consider a lease. If a lease is considered, the lessee should pay all legal fees, engineering fees, and an annual fee. Chairman Humphreys added a lease should not allow the removal of timber and no structure or building would be allowed. Commissioner Werner voiced his reservations to enter into a lease and Chairman Humphreys mirrored reservations as well. Commissioner Werner stated if Mr. Sheldon were to provide written request to enter into a lease, the Board would then make a motion to allow or not allow the lease. [3/17/10]

Water runoff issues at Hauser Lake – There has been an ongoing issue with runoff water on Rice Road south of Burdette. The Supervisor has been working with Stolls to get a drainage easement from them to install a swale on their property. Their driveway is being washed out and in turn is running out onto Rice Road. [3/17/10]

Vacation – Supervisor Brownsberger requested he be allowed to take vacation from March 29 through April 1. Commissioner Werner made the motion to allow Mr. Brownsberger to take the time requested. Commissioner Miller seconded. Motion carried unanimously. [3/17/10]

ENGINEER

Randy Broesch reported concept approval has been received for the Prairie/McGuire Roundabout and at the same time, received environmental approval from LHTAC. RYA will be working the next few days getting materials approval to use the Associated Highway District's standards in lieu of hiring a geo-technical sub-consultant for the project and expect a quick turnaround for that decision, then will submit an intermediate design to LHTAC very shortly. [3/17/10]

Prairie/Chase Intersection – A review of the intersection was submitted to see if anything is going on to justify the recent number of accidents at the intersection. The RYA study did not provide any conclusive cause but it did show a two-way stop is still appropriate for the volume of traffic at this intersection. Options would be to maintain the two-way stop condition that is present; keep the two-way stop but move the signs for the Chase Road travelers versus the Prairie Avenue travelers; or maintain the current signage and monitor the intersection for another year. Chairman Humphreys is in favor to leave the intersection as-is for one year to see if anything can be identified for the reason of the accidents. Commissioner Werner added stop signs were not real issue because five of the accidents actually stopped at the stop signs and then proceeded into the intersection in front of oncoming cars. He feels if the signs are moved, accidents may be worse because speeds are traveled faster than Chase. Hopefully, the District will be in a position to apply for roundabout construction in another year. Supervisor Brownsberger suggested flashing red lights be installed once the current ones are removed from the Prairie/McGuire intersection. Cost was discussed for the hookup. [3/17/10]

Prairie/McGuire Roundabout – Mr. Broesch discussed the letter that was mailed to LHTAC stating the District's desire to keep this project on schedule and not delay it until 2011 as LHTAC requested. He added he has received the revised utility plans from Avista that had been discussed approximately two months ago and RYA is updating plans providing the foundation detail for the lights. [3/17/10]

OFFICE

LID #10 payment discrepancy, Denke properties – The District Clerk informed the Board of a LID parcel that had not been paid. Two parcels were under the name of Denke, one was Frank and one was Mike. Parcels that had been paid in full dropped off the original list of 49 prior to the 42-parcel lien being recorded, including Frank's that had not been paid. All payments were incorrectly applied to the Mike Denke parcel and the Frank Denke parcel was never paid. It is now seven years later, both parcels are under different ownership. Discussion followed. Commissioner Werner made the motion for the LID 10 payment discrepancy between Frank Denke and Mike Denke be written off in the amount of \$3,961.87. Commissioner Miller seconded. Motion carried unanimously. [3/17/10]

Treasurer's Report – Commissioner Werner asked if the accounts with zero balances (that are now in CD's) will be removed. Receiving an affirmative response, Commissioner Werner made the motion to approve the February 2010 Treasurer's Report as presented. Commissioner Miller seconded. Motion carried unanimously. [3/17/10]

Randy Broesch left the meeting at 6:50 pm.

LEGAL

The District's Attorney, Susan Weeks, asked to go into Executive Session to discuss items on her list.

Commissioner Werner moved to enter into Executive Session at 6:50 PM pursuant to the provisions of Idaho Code 67-2345, Subsection 1(f) to communicate with legal council and pursuant to the provisions of Idaho Code 67-2345, Subsection 1(b) to discuss personnel issues. Commissioner Miller seconded. Role call:

Commissioner Werner: aye

Commissioner Miller: aye

Chairman Humphreys: aye

Commissioner Werner made the motion to come out of the executive session at 7:21 PM.

Commissioner Miller seconded. Motion carried unanimously.

The Regular Meeting reconvened at 7:21 PM. With no further business, Commissioner Miller made the motion to adjourn at 7:22 PM. Commissioner Werner seconded. Motion carried unanimously.

SPECIAL MEETING: March 1, 2010– 1:00 P.M. Terry Werner, Bob Miller; Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson, and Ruen-Yeager Engineer & Associates representative John Karpenko met for a District Workshop. Toby Sheldon was a guest; Harry Green was scheduled but was not present.

Hidden Falls, Toby Sheldon

Mr. Sheldon presented a map showing right-of-way that he would like vacated or, would the District be willing to enter into a long-term lease for a specified amount of time. The map shows a 60-foot wide piece lying between the river and Foothill Drive. The property across the river has no right-of-way between the river and through the Mill River parcel; therefore, Mr. Sheldon feels there is no reason for his parcel to carry this right-of-way. Commissioner Werner explained the parcel would be split down the middle if it were to be vacated providing a portion to Mr. Sheldon and a portion to the neighboring owner. Mr. Sheldon offered further information on the intentions of underground utilities in this location for which was the reason for the 60-foot-wide piece. Mr. Sheldon stated he is interested in this parcel because he wants to join it with another strip to the west to dedicate it to three lots for boat slips. Idaho Department of Lands will grant his permit but he still needs some requirements met even with that parcel. Commissioner Werner asked that the Road Supervisor and the District Engineer look further into this request and also for the Road Supervisor to contact the District's attorney regarding the lease request. [3/1/10]

ENGINEER

No comments.

ROAD SUPERVISOR

Accident report – The Road Supervisor reported the broom had been hit on February 23 causing \$12,039.25 in damage. It is currently in Spokane being repaired. There were not injuries and the driver who hit the equipment was cited for inattentive driving and no proof of insurance. [3/1/10]

Consolidation study – The Associated Highway Districts of Kootenai County discussed the ongoing talks of consolidation across the state. Joe Wuest of Lakes Highway District suggested the 1995-1996 study that had been done by the Coeur d'Alene Chamber be redone using retired engineers to hopefully keep the cost down. Commissioner Werner stated his concerns, not only of the multiple studies that are done, but also the cost of the studies. The Road Supervisor stated Senator Keough has stated this is coming down the road with interest by the governor's task force in September and another Senate bill will be coming through so the highway districts and cities should be prepared for it. The Road Supervisor has been working on a per mile cost to compare our areas with Ada County. Commissioner Werner stated he would like to see those numbers and added there were nine highway district plus the county road department; he also does not think the cities will be in favor. He added there would be hidden issues such as which levy rate do you go with; East Side is certain there will be an increase for their constituents. [3/1/10]

OFFICE

No comments.

With no further discussion, the Meeting adjourned at 1:30 pm.

SPECIAL MEETING: March 15, 2010– 1:00 P.M. Commissioners Lynn Humphreys, Terry Werner, Bob Miller; Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson, and Engineer Darius Ruen met for a District Workshop. Terry Kiefer was guest.

Cedar Hollow – Terry Kiefer met with the Board to discuss a parcel of land that is a remnant of the mother parcel after the Cedar Hollow minor subdivision plat was completed. In essence, the developers chose to develop Cedar Hollow as a minor subdivision (4 lots) rather than include this parcel as a major subdivision (5+ lots). By not including this parcel in the subdivision, it is now non-buildable at least for a determinate time period. Supervisor Brownsberger told him by making this a major subdivision, the road will have to be brought to District standards and paved. As Mr. Kiefer does not want to make those improvements, he is asking the Board for a variance. Commissioner Werner stated the District standards and remembered the discussion of Cedar Hollow at the time of its development and the Board wanted the Crystal Springs improved. However, no access for Cedar Hollow was going to encumber Crystal Springs, therefore, only one (1) \$3,500 fee was required for frontage improvements to Crystal Springs Road. Other discussion included LID potential and current improvements by the property owners that use Crystal Springs. The Board said that if they granted a variance for him, it would set precedence for other developers, but they would ponder it further. Mr. Kiefer left the meeting. [3/15/10]

ENGINEER

Governor Discretionary Funds - LHTAC is asking sponsors for projects that are under Governor Discretionary Projects to wait for one year. LHTAC will be overloaded this year with C & I administration and is worried that due to the amount of projects out this year, the bid price may be affected. Mr. Ruen presented a letter for the Board's review stating the District wants to move forward with the roundabout. He added the locals have been told this project is going to be done and all utilities are being moved. Commissioner Werner agreed that we should move forward with the project as planned. Chairman Humphreys added that although LHTAC is the one who wants it postponed, the District would take the heat from the locals if construction were moved back. He added that we can't do it with our own funds and get reimbursed later with federal funds. Commissioner Werner stated that even if they do push the project back, we have a letter in our file stating we want it done now. The Board agreed and wanted the letter drafted by Ruen-Yeager to be mailed. [3/15/10]

Commissioner Werner exited the meeting.

Prairie and Chase Intersection – Supervisor Brownsberger asked the Engineer to review the intersection explaining to the Board there has been an increase in accidents for about 6-7 months with one accident every month. The reason stated in the accident reports is that Prairie drivers assume Chase traffic is going stop even though there are signs that state "Cross traffic does not stop". The Board will review the data presented by the Engineer. [3/15/10]

ROAD SUPERVISOR

Panhandle Health critical materials evaluation – The District passed with flying colors this year and the price for the inspection cost one-half of the previous inspection cost. [3/15/10]

Insurance out-of-pocket costs – Changing the insurance in mid-year affected the out-of-pocket maximum paid by employees. One employee was affected in which the out-of-pocket was already met for the insurance year, then by changing insurance prior to the 12-month period ended, the out-of-pocket started again for a 3-month period. Chairman Humphreys asked to discuss it at the next Board meeting. [3/15/10]

NACE Convention Travel – Supervisor Brownsberger will be traveling to the NACE convention with fellow IACERS attendees from southern Idaho. The others want to drive so the Road Supervisor asked to leave the District pickup at a secured location in Blackfoot or Rexburg while he travels with the other attendees. The Board felt that was fine as long as he had the vacation to expend. [3/15/10]

OFFICE

Everett Estates – A second payment was received; the final payment is \$5,300 due by September 4, 2010. Mrs. Everett asked if the agreement could be recorded with their names dropped. Some discussion followed including the agreement has not yet been received with signatures. [3/15/10]

Forest Revenue – The 2010 forest revenue check was received this week. At \$92,002.83, it was 11% less than last year amount; the budget reflected a 25% decrease. [3/15/10]

LEGAL

Due to a scheduled court appearance, Attorney Weeks was not able to attend today's meeting but will be at the March 17 Board meeting. [3/15/10]

With no further business, the Meeting adjourned at 1:50 pm.

SPECIAL MEETING: March 30, 2010 – Executive Session pursuant to the provisions of Idaho Code 67-2345, Subsection 1 (a) and (b), 1:00 PM, District Office. Attended by Lynn Humphreys, Terry Werner, Bob Miller, and Kelly Brownsberger. Adjourned at 2:00 pm.

SPECIAL MEETING: March 3, 2010 – Utility Council, Sargents, 12:00 PM. Attended by Bob Miller.

SPECIAL MEETING: March 4, 2010 – KMPO, ITD Offices, 1:30 PM. Attended by Bob Miller.

SPECIAL MEETING: March 23, 2010 – KCATT, 8:00 AM, ITD. Attended by Bob Miller and Kelly Brownsberger.

SPECIAL MEETING: March 24, 2010 – Noxious Weeds, 1:00 PM, Weed's Office. Attended by Bob Miller.

APPROVED _____

ATTEST ORIGINAL SIGNED AND
DATED 4/7/10

DATE _____

Submitted by:
Shirley Walson, District Clerk